

**Board Meeting Minutes  
Board Teleconference Meeting  
October 18, 2001**

**Board for Professional Engineers and Land Surveyors  
Casa Munras Garden Hotel  
700 Munras Avenue  
Monterey, California 93940  
(831) 375-2411**

**Board Members Present:** Vince DiTomaso (President), Millicent Safran (Vice-President) Gregg Brandow, David Chen, James Foley, Kathryn Hoffman, Andrew Hopwood, and Stephen Lazarian

**Board Staff Present:** Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), Cindy Morris-Hoppe (Executive Analyst), and Debbie Thompson (Budget Analyst)

**Public Present:** See Attached

**1. Roll Call to Establish a Quorum**

The meeting was called to order at 9:15 a.m. Roll call was taken, and a quorum was established.

Ms. Hoffman, Dr. Chen, and Mr. Lazarian participated via teleconference.

Dr. Chen called in at 9:20 a.m. and Mr. Lazarian called in at 9:25 a.m.

**2. Public Comment**

Frank Pierce spoke regarding the proposed Professional Code of Conduct and the Title Act Study.

**3. Closed Session**

The Board went into closed session at 9:30 a.m.

Ms. Hoffman left the meeting at 9:35 a.m.

**4. Open Session to Announce the Results of Closed Session**

Ms. Christenson reported that the Board adopted the results of the take-home examination for those candidates who had previously passed the 8-hour portion of the examinations and the Seismic Principles and Engineering Surveying examinations (as appropriate). The Board adopted the appeals results for the April 2001 Electrical, Mechanical, and Land Surveying examinations.

Ms. Christenson reported that the Board adopted the default decisions regarding Mr. Wallace Beron and Mr. Fredric Vernon Allen.

Ms. Christenson also reported that the Board discussed pending litigation as noticed.

**5.a Approval of the Minutes of the September 6, 2001 Board Meeting.**

**MOTION:** Mr. Hopwood/Ms. Safran moved to approve the minutes of the September 6, 2001 Board Meeting.

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**5.b Approval of Candidates for Certification/Licensure. (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)**

**MOTION:** Mr. Hopwood/Mr. Foley moved to approve the candidates for licensure based on examination results approved in closed session.

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**6. Approval of Delinquent Reinstatements.**

**MOTION:** Mr. Hopwood/Mr. Foley moved to approve the Delinquent Reinstatements as follows:

**Chemical**

**1. Raymond V. Elshout**

Reinstate applicant's chemical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

**2. Shakir M. Khambaty**

Reinstate applicant's chemical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

**Civil**

**1. Peter Rieck**

Reinstate applicant's civil license once he takes and passes the California Seismic Principles and Engineering Surveying Examinations and the Board's Laws and Rules Examination.

**Electrical**

**1. Mahmoud Saad**

Reinstate applicant's electrical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**7. Comity and Temporary Authorization Applications.**

**MOTION:** Mr. Hopwood/Mr. Foley moved to approve the following Civil applicant for licensure by waiving the second division examination (NCEES Civil Engineering examination) because the applicant has the appropriate experience, has taken and passed an 8-hour NCEES Structural examination, is licensed in another state, and has passed all other required examinations (take-home and the special civil examinations).

**1. Michael King**

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**MOTION:** Mr. Hopwood/Mr. Foley moved to set the following Civil applicant for the Seismic Principles and Engineering Surveying examinations, and waive the second division examination (NCEES Civil Engineering examination) because the applicant has the appropriate experience, has taken and passed an 8-hour NCEES Structural 1 examination and is licensed in another state. In order to obtain registration, the applicant must still take and pass the Seismic Principles, Engineering Surveying, and take-home examinations.

**1. Christopher Masacek**

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**MOTION:** Mr. Hopwood/Mr. Foley moved to set the following Civil applicants for the Seismic Principles and Engineering Surveying examinations, and waive the second division examination (NCEES Civil Engineering examination) because the applicants have the

appropriate experience, have taken and passed an 8-hour NCEES engineering examination and are registered in other states. In order to obtain registration, the applicants must still take and pass the Seismic Principles, Engineering Surveying, and take-home examinations.

1. **David Arnold**
2. **Michael Keim**
3. **Richard McLaughlin**
4. **Anthony Pagnotta**

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**MOTION:** Mr. Hopwood/Mr. Foley moved to set the following Civil applicants for the Seismic Principles and Engineering Surveying examinations, and waive the second division examination (NCEES Civil Engineering examination) because the applicants have the appropriate experience, have taken and passed an 8-hour engineering examination and are registered in other states. In order to obtain registration, the applicants must still take and pass the Seismic Principles, Engineering Surveying, and take-home examinations.

1. **John Barbieri**
2. **Roger Borg**
3. **Byron Danley**
4. **Ronald McLaughlin**
5. **Conrad Paulson**
6. **Albie Perry**

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**MOTION:** Mr. Hopwood/Mr. Foley moved to approve the following Electrical applicants for licensure by waiving the second division examination (NCEES Electrical Engineering examination) because the applicants have the appropriate experience, have taken and passed both an 8-hour NCEES EIT examination, an 8-hour NCEES PE examination, are licensed in other states, and have taken and passed the take-home examination.

1. **Walter K. Collins**
2. **Vincent D. Fazio**

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**MOTION:** Mr. Hopwood/Mr. Foley moved to approve the following Mechanical applicant for licensure by waiving the second division examination (NCEES Mechanical Engineering examination) because the applicant has the appropriate experience, has taken and passed both an 8-hour NCEES EIT examination, an 8-hour NCEES PE examination, is licensed in other states, and has taken and passed the take-home examination.

**1. George W. Poole**

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**MOTION:** Mr. Hopwood/Mr. Foley moved to approve the comity applicant's shown on the handout distributed at the meeting (copy attached).

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**8. Approval and Adoption of Amendments to Board Rule 411 (Seal and Signature)**

**MOTION:** Dr. Brandow/Mr. Hopwood moved to approve and adopt the amended language in Board Rule 411(e).

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**9. Amendments to Board Rule 407 (Fees)**

Ms. Thompson reported that the Governor signed Senate Bill 136 October 4, 2001, which increases the maximum amount the Board can charge for application fees from \$175 to no more than \$400 for Land Surveyors and Professional Engineer exam applications, from \$60 to no more than \$100 for Engineer-in-Training and Land Surveyor-in-Training applications, and changes the renewal time period from every four years to every two years. The fee for renewal every two years will still be \$160 (a cost of \$80 per year instead of \$40).

Mr. Hopwood indicated an interest in not increasing the in-training exam application fees. He expressed concern that the increase might discourage students from taking the exam at a time when the CSU campuses have a decline in enrollment in the engineering field.

Ms. Thompson reported that the professional engineering exam application fees would need to be increased above the proposed \$300 in order to make up the difference of not raising the in-training exams.

Ms. Christenson indicated that Board members can still lower the proposed fee increase for the in-training exam application fee at the December 2001 Board meeting.

**MOTION:** Ms. Safran/Mr. Foley moved to approve specific regulation changes, so Board staff may immediately begin the approval process for the fee restructure language approved by the Governor in Senate Bill 136.

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**10. ME TAC Annual Budget and FY 2001/2002 Workplan**

**MOTION:** Mr. Hopwood/Ms. Safran moved to approve the ME TAC 2001/2002 workplan and to approve the committee budget not to exceed \$6,000.

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**11. EE TAC Annual Budget and FY 2001/2002 Workplan**

**MOTION:** Mr. Hopwood/Ms. Safran moved to approve the EE TAC 2001/2002 workplan and to approve the committee budget not to exceed \$6,000.

**VOTE:** A roll call vote was taken. 7-0, motion carried.

**12. Examination/Qualifications**

**a. Qualifications for Temporary Authorization**

Ms. Christenson went over the current application review process for Temporary Authorization.

Ms. Christenson also reported that the proposed process for temporary authorization would consist of a separate application for temporary authorization and then regulations would need to be adopted to establish the application and requirements for temporary authorization.

Ms. Safran requested that staff look into eliminating the statutes allowing for Land Surveyor Temporary Authorization because of the requirement of placing a license number when tagging monuments.

Dr. Brandow requested that staff look into whether Temporary Authorizations for disciplines other than Civil Engineering should also be eliminated.

Dr. Brandow stated that Temporary Authorization should be in place for a reasonable period of time after the project is complete in order to allow for minor modifications.

Dr. Brandow also stated that civil engineers need to clarify professional documents that are submitted, contain knowledge of seismic principles.

**b. Actual Examination Cost for Repeat Test Takers**

President DiTomaso reported on this item.

Ms. Christenson reported that staff will provide information to the Board when we get accurate ATS reports.

**c. Delinquent Licensees**

Ms. Ruff suggested that staff check with the Accountancy Board regarding their statutes on delinquent licensees.

Board members requested that staff look into whether special consideration can be given to people whose licenses go delinquent while they are serving in the military.

Dr. Brandow also suggested Board start a "Pilot Program" for tracking and contacting delinquent licensees.

**13. Enforcement**

**a. Development and Adoption of Regulations Regarding a Code of Professional Conduct**

Ms. Eissler reviewed the changes shown in the Fourth Draft of the Code of Professional Conduct. She advised the Board that the County Surveyors' Association of California (CSAC) had requested an opportunity to provide comments before the Board took any final

action. CSAC will be having its board meeting in November, and the Enforcement Unit staff hopes to receive the comments in time for the December Enforcement Committee and Board meeting.

After much discussion by the Board members, staff, and members of the public, the Board directed staff to make the following changes to the Code of Professional Conduct and to present a Fifth Draft at the December meetings:

Add language to make it clear that the Code applies to licensees working in the public sector as well as to those working in the private sector.

Reword subdivision (a) (1) and (2) so that it is clear that it is a violation of the applicable laws by the licensee that would not be acceptable conduct, rather than lacking the knowledge of those laws. Also clarify the licensee may obtain and rely upon the advice of other professionals.

Provide two choices for subdivision (b)(1) - one that would require the licensee to advise "all parties" and the other that would only require the licensee to advise "all clients." The Board will then decide at the December meeting which version should be included.

Rephrase the opening paragraph of subdivision (e) so that it says "confidential information ... shall not be disclosed," rather than "no confidential information ... shall be disclosed."

**b. Responsible Charge Definition and Possible Amendments to Board Rules 404.1 and 404.2**

Mr. Duke advised the Board that he did not believe any changes needed to be made to Board Rules 404.1 and 404.2 in order to allow a second licensee to take over a project if the first licensee is not able to complete the project. Dr. Brandow explained that his concern was that most licensees who read these laws do not understand that it is acceptable. Ms. Eissler suggested that the confusion might come from the phrase "reviews or approves proposed decisions prior to their implementation," which is used in subdivision (a)(1), because there is nothing which defines or clarifies when "prior to their implementation" is. Ms. Eissler recommended that she and Mr. Duke prepare draft language to clarify this for review and discussion at the December meetings. The Board directed that this be done.



## **14. Administrative**

### **a. Fund Condition**

Ms. Thompson reported on significant changes that have occurred to the Board's fund condition since the last Board meeting. The total amount requested for the four FY 2002/03 Budget Change Proposals (BCPs) was increased from \$522,000 to \$575,000. However, Department of Finance notified DCA recently that only one BCP for the National Exam Conversion was approved. The occupational analysis funding requested in this BCP was not approved. The amount approved for this BCP was \$61,000 for FY 2002/03 and \$173,000 ongoing beginning with FY 2003/04 to pay for conversion to the National Land Surveyor and Structural Exams. The elimination of the anticipated BCP funding from the Board's fund condition will reduce the Board's projected FY 2003/04 deficit from \$3.3 million to an estimated \$1.3 million. Regarding revenue, the amount received as of September 31, 2001 is higher than last year at this time for both applications and renewals. This was expected, as applicants were encouraged to submit applications earlier this year. Also, this is the peak year of the Board's typical four-year historical renewal revenue cycle (i.e., renewal revenue will be about 25% or higher than last fiscal year).

President DiTomaso questioned if the fund condition included the anticipated change in the Board's fee structure. Ms. Thompson responded that it does not include this information. The fee restructure should bring in enough revenue for FY 2003/04 to eliminate the deficit and provide for at least a three-month reserve. This information will be included in the next Board agenda package.

### **b. FY 2001/02 Budget**

Ms. Thompson reported that a savings of \$817 is projected for the end of FY 2001/02. This is a conservative estimate and there is a possibility of \$35,000 to \$70,000 additional savings if cuts are made. The cost of Subject Matter Experts increased substantially in FY 2000/01 over the prior fiscal years and Ms. Thompson is now working with staff to analyze expenditures that occurred and determine future needs in this area.

### **c. FY 2002/03 Budget Change Proposal's**

Ms. Thompson reported that since the last Board meeting, minor adjustments were made by DCA to the Board's BCPs increasing the totals. The increase is a result of changes to figures used to compute the conversion to national exam costs and adding the airfare rate to the Travel Shortfall BCP.

**15. Legislative**

- a. Pending Legislation for 2001 Legislative Session, including, but not limited to: SB 26 (Figueroa), SB 136 (Figueroa), SB 771 (B&P), SB 1045 (Polanco), AB 269 (Correa), AB 805 (Shelley), and others.**

Ms. Christenson reported that SB 26 (the bill to extend the Title Act Study due date) and SB 136 (the bill to extend the Board's Sunset date and to allow the Board to increase fees) were both signed by the Governor.

**16 Liaison Reports**

- a. ABET**

Mr. Hopwood reported on his September 30, 2001 to October 2, 2001 ABET visit to California State University, Northridge.

- b. NCEES**

No report given.

**17. President's Report**

No report given.

**18. Executive Officer's Report**

**1. Administration Report**

- a. Executive summary report**

Ms. Christenson reported on the Executive Summary Report.

**2. Personnel**

- a. New hires & Vacancies**

No report given.

**3. Enforcement**

**a. Statistical summary**

No report given.

**b. Outreach update**

No report given.

**4. Examination/Licensing**

**a. October Examinations**

Ms. Christenson reported on security issues.

**b. College Outreach**

No report given.

**c. NCEES Presentation on Outcomes Assessment**

**5. Publications/Website**

**a. Website Activity**

Ms. Christenson reported on the Website Activity.

**b. Bulletin**

No report given.

**c. Consumer Guide**

No report given.

**6. Other**

**a. Title Act Study Update**

Ms. Christenson gave an update on the status of the Title Act Study.

Ms. Christenson also reported that she will be meeting with the group doing the study next month.

**b. DCA update**

No report given.

**c. Pending regulation packages**

Ms. Christenson reported that the EIT Waiver regulation package was submitted to DCA on October 6, 2001 and will be noticed by OAL on November 2, 2001.

**19. Approval of Board Travel**

No action taken on this item.

**20 Other Items Not Requiring Board Action**

**a. Next Board meeting: December 13 & 14, 2001, Board Office, Sacramento, California.**

President DiTomaso advised that the meetings in December would last two days.

**21. Adjourn**

The Board adjourned at 1:30 p.m.

## **PUBLIC PRESENT**

Tom Stout

Tom Ladegaard, USD CPIL

Steve Hao, Cal Trans

Leo Ruth, CELSOC

Eugene Weatherby, CELSOC

Jerold Peterson, CLSA

Bob DeWitt, CELSOC